

REMARKS

This is meant to be a complete response to the Office Action mailed March 24, 2004. In the Office Action, the Examiner objected to the Specification and claims 64, 65 and 69-72. The Examiner also rejected claims 68-70 and 72. The Examiner further indicated that all claims were deemed free of the prior art, and that claims 1, 60-63 and 66-67 were allowed. Applicants acknowledge with appreciation the indication of allowability of claims 1, 60-63 and 66-67, and respectfully submit, for the reasons described herein below, that claims 64, 65 and 68-72, as well as newly added claim 73, are now in a condition for allowance.

Applicants' Response to the Objection to the Specification

In the Office Action, the Examiner indicated that the Specification was not in compliance with 37 C.F.R. 1.821-1.825, because not all sequences were identified by the SEQ ID NO:, and specifically referred to page 80, lines 13-17.

In response to the Office Action, paragraph [0183] has been amended herein to add SEQ ID Nos. to four sequences disclosed in the originally-filed Specification which had previously not been identified by sequence identifiers. Also submitted herewith are paper and CRF copies of a substitute Sequence Listing in which these four sequences have been added. Applicants respectfully submit that the amendments to paragraph [0183] and the substitute Sequence Listing are proper to place the subject application in full compliance with 37

C.F.R. 1.821-1.825, and do not contain any new matter. Entry thereof is respectfully requested. Applicants therefore request reconsideration and withdrawal of the Objection to the Specification.

Applicants' Response to the Claim Objections

In the Office Action, the Examiner objected to the claims for the following reasons:

Claims 65 and 70 are objected to because of the following informalities: an "or" should be between "licheniformis" and "Bacillus". Appropriate correction is required.

Claim 71 is objected to because of the following informalities: "claims" in line 2 should be "claim". Appropriate correction is required.

Claims 64 and 69 are objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

Claim 72 is objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Further, a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

In response to these objections, the claims have been amended accordingly. Therefore, Applicants respectfully request reconsideration and withdrawal of the objections to the claims.

Applicants' Response to the 35 U.S.C. 112, ¶2 Rejection of the Claims

In the Office Action, the Examiner rejected claims 68-70 and 72 under 35 U.S.C. 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In support of the rejection, the Examiner stated:

Claim 68 is confusing as it recites "the recombinant expression vector of claim 66" (which comprises the nucleic acid segment of SEQ ID NO:1), and "the nucleic acid segment of claim 1" (which encodes the synthase of SEQ ID NO:2). It is not clear whether the nucleic acid segment must comprise SEQ ID NO:1 or merely encode SEQ ID NO:2.

Claim 69 depends, in the alternative, from itself, thus rendering it indefinite.

Claims 70 and 72 are included in this rejection as they depend from claim 69 and do not clarify the ambiguity.

In response to the rejection, claim 68 has been amended herein to recite "The recombinant expression vector of claim 66, wherein the recombinant expression vector is an expression vector having a promoter operatively linked to the isolated and purified nucleic acid segment of SEQ ID NO:1, wherein the isolated and purified nucleic acid segment encodes the hyaluronate synthase of SEQ ID NO:2". Therefore, Applicants respectfully submit that claim 68 is now definite and particularly points out and distinctly claims that which Applicants regard as the invention.

Claim 69, as well as claim 70 and newly added claim 73 which depend therefrom, has been amended herein to delete dependence to itself. Therefore,

Applicants respectfully submit that claims 69, 70 and 73 are now definite and particularly point out and distinctly claim that which Applicants regard as the invention.

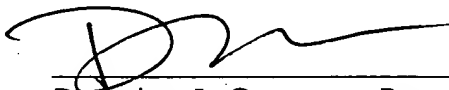
Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 112, ¶2 rejection of claims 68-70 and 72, as now amended.

CONCLUSION

This is meant to be a complete reply to the Office Action mailed March 24, 2004. Applicants respectfully submit that claims 1 and 60-73 are now in a condition for allowance. Favorable action is respectfully solicited.

Should the Examiner have any questions regarding this Amendment, or the Remarks contained therein, Applicants' representative would welcome the opportunity to discuss the same with the Examiner.

Respectfully submitted,



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